

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

**FILED**  
 UNITED STATES DISTRICT COURT  
 LAS CRUCES, NEW MEXICO  
 FEB 01 2023  
**RR**  
 MITCHELL R. ELFERS  
 CLERK OF COURT

In the Matter of the Search of  
*(Briefly describe the property to be searched  
 or identify the person by name and address)*

4754 Calle De Nubes  
 Las Cruces, New Mexico 88012

Case No. 23-244MR

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:  
 See Attachment A, attached and fully incorporated herein.

located in the \_\_\_\_\_ District of New Mexico , there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B, attached and fully incorporated herein.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

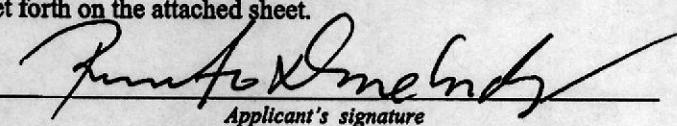
- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 8 USC 1324 (a)(1)(A)(v)(I)	Conspiracy to Harbor Illegal Aliens

The application is based on these facts:  
 See attached affidavit

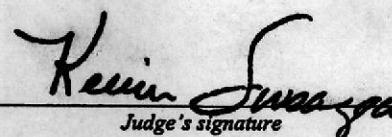
- Continued on the attached sheet.
- Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
 Roberto X. Melendez  
 Applicant's signature

Roberto X. Melendez, Border Patrol Agent  
 Printed name and title

Sworn to before me and signed in my presence.

Date: 2/01/23

  
 Kevin R. Sweazea  
 Judge's signature

City and state: Las Cruces, New Mexico

Kevin R. Sweazea, United States Magistrate Judge  
 Printed name and title

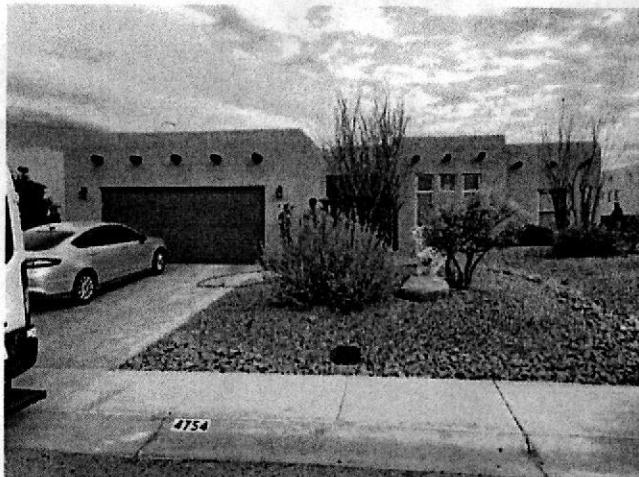
**ATTACHMENT A**

**DESCRIPTION OF PROPERTY TO BE SEARCHED**

The residence at 4754 Calle de Nubes, Las Cruces, New Mexico 88012, is near the intersection of Calle de Nubes and Frida Drive in Las Cruces, New Mexico. The residence is the 12<sup>th</sup> house to the west of Frida Drive, located on the north side of Calle de Nubes. The single-family one-story residence has brown stucco, a dark brown garage door, and flat roof. The front door is located near the middle of the residence and it has a driveway and attached sidewalk from the street to the front door. There are three windows to the right of the front door, as viewed from the street in front of the residence. The numbers "4754" are painted on the curb in front of the residence and are also clearly marked to the left of the front door, when viewed from the street in front of the residence.

To include all outbuildings and structures on the property.

To get to 4754 Calle de Nubes, Las Cruces, New Mexico 88012 from the U.S. Border Patrol Las Cruces station, travel east on N. Main St., which merges into eastbound Highway 70. Exit onto Mesa Grande Drive and travel north on Mesa Grande Drive. Turn west onto Engler Road and south onto Frida Drive. Turn west onto Calle de Nubes and the destination will be on the north side of the street.



**4754 Calle de Nubes, Las Cruces, New Mexico 88012**

**ATTACHMENT B**

**DESCRIPTION OF PROPERTY TO BE SEIZED**

The particular things to be seized include evidence, fruits, and instrumentalities of the violations of crimes set forth in the application/affidavit of United States Border Patrol Agent Roberto Melendez related to violations of harboring and conspiracy to harbor illegal aliens, in violation 8 U.S.C. § 1324, including the following:

1. Valid and false travel immigration documents including passports, visas, immigration forms and other related documents.
2. Any and all computers, cellular telephones, personal tablets, laptop computers, personal electronic devices, communication devices, two-way radios, pagers, and scanners that may have been used to help facilitate the travel and harboring of illegal aliens.
3. Any and all diaries, address books, names, and notes of ledgers containing lists of names and addresses of individuals who may have been in contact with those individuals responsible for the smuggling of illegal aliens.
4. Business records, financial records, ledgers, transactions, account books, computerized records, and notes showing code names or nicknames; identifying information reflecting the transactions for the illegal aliens to those individuals responsible for said violations, amounts of money paid, or owed.
5. Any and all appointment calendars for all years.
6. Any and all illegal alien or sponsor lists, harborer or transporter lists, or any notes containing the individual names, telephone numbers of, and any corresponding records of accounts receivable, money paid, or cash received to pay for the smuggling of illegal aliens.
7. Telephone and address books or notes, which indicate a criminal association between known and unknown persons.
8. Any financial institution, Western Union, or Money Gram records reflecting a business transaction with those involved in the smuggling, harboring, or transportation of the undocumented aliens.
9. Any and all passports, accounts and records in fictitious names, false identification, money orders, cashier's checks relating to cash transactions and records indicating the existence of stash houses used in alien smuggling.

10. Airline tickets or other documents relating to the travel of the aliens from their country of origin to the United States.
11. Any amount of currency, financial instruments, and other items of value typically proceeds of illegal alien smuggling.
12. Indicia of Ownership for 4754 Calle de Nubes, Las Cruces, NM 88012.
13. Records, envelopes, accounts, correspondence or notes, in any form, to or from 4754 Calle de Nubes, Las Cruces, NM 88012.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF:  
4754 Calle de Nubes, Las Cruces, New  
Mexico

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF AN**  
**APPLICATION UNDER RULE 41 FOR A**  
**WARRANT TO SEARCH AND SEIZE**

I, Roberto X. Melendez a United States Border Patrol Agent being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises known as 4754 Calle de Nubes, Las Cruces, New Mexico 88012, hereinafter the "Premises," further described in Attachment A, for purposes of searching for and seizing the items described in Attachment B.
  
2. I am a Border Patrol Agent with the United States Border Patrol assigned to the Las Cruces, New Mexico United States Border Patrol Station. During my tenure with the United States Border Patrol, I am classified, trained and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 8 of the United States Code. I have conducted investigations related to immigration laws violations since 2006 and have specialized in investigations involving human smuggling. I have received specialized training on the subject of human smuggling, human trafficking and have been personally involved in investigations concerning the subject matter.

3. During my position as a United States Border Patrol Agent, I have participated in numerous aspects of alien smuggling, including physical surveillance, undercover operations, analysis of phone and financial records, and the arrests of alien smugglers. I have interviewed numerous defendants, and other witnesses having extensive knowledge of alien smuggler schemes to include the operation of stash houses. I have also spoken on numerous occasions with others experienced in alien smuggling, concerning the methods and practices of such violators. Furthermore, I have attended training courses specialized in alien smuggling. Through these investigations, training, experience, and conversations with other law enforcement personnel, I have become familiar with the methods alien smugglers conspire to take hostage, transport, conceal, harbor, or to shield from detection, undocumented aliens (UDAs). I have also become familiar with the similar methods drug smugglers use to conduct illicit activity.

4. Throughout the course of my 17-year career as a federal law enforcement officer, I have worked with other state and federal law enforcement agencies to include the Department of Homeland Security. Through academy training, specialized training, experience, and working with fellow agents and task force officers, I am familiar with violations of 8 USC § 1324, 8 USC § 1325, and 8 USC § 1326.

5. I know, based upon my training and experience, as well as information relayed to me during the course of my official duties, that members of ASOs and DTOs routinely use wire, electronic, and application communication facilities, including cellular telephones, WhatsApp, Messenger, Facebook, other electronic means, to communicate operational directives and information concerning the conduct of the organization's illegal activities to other organization members. I also know that individuals who deal in alien smuggling commonly maintain contact

information, such as telephone numbers, for their business associates in their electronic devices, including cellphones.

6. During the course of my duties, I have found that ASOs and DTOs often utilize ledgers to keep track of how many aliens they smuggle or to track smuggling transactions. I have also interviewed alien smugglers who worked for different ASOs, yet they utilized the same stash houses and transport vehicles. I have also found that alien smugglers often times use firearms for protection from rival ASOs, DTOs, and law enforcement.

7. Because this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included details of every aspect or each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause for a search of the Premises. I make this Affidavit based on personal knowledge and on the basis of information received from other law enforcement officers and/or agents. Based upon my training, experience, and participation in this and other investigations, I have reason to believe that there will be evidence of alien smuggling, harboring of aliens, and conspiracy to harbor aliens, in violation of 8 USC § 1324 inside the Premises.

#### BACKGROUND

8. The statements in this affidavit are based on information I have gained through investigation as well as my own experience, training, and background as a Border Patrol Agent working at the Las Cruces, New Mexico Anti-Smuggling Unit and information provided by other law enforcement agents who I believe to be reliable. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. As will be shown below, there is probable cause to believe

that evidence, fruits, and instrumentalities of violations of 8 USC § 1324 are currently located at the Premises.

9. I am submitting this affidavit in support of a search warrant authorizing a search of the Premises, which is more particularly described in Attachment A. I am requesting authority to search the entire Premises, including the residential dwelling and any location within the residence where the items specified in Attachment B may be found, and to seize all items listed in Attachment B as instrumentalities, fruits, and evidence of crime.

**PROBABLE CAUSE**

10. On or about August 22, 2022, Juan Gallegos was encountered by law enforcement at the Bridge of the Americas Port of Entry in El Paso, Texas. During the encounter, Gallegos was found to be in possession of approximately \$3,000, which he admitted were proceeds derived from the transportation of illegal aliens.

11. Record checks revealed that Juan Gallegos resided at 4754 Calle de Nubes in Las Cruces, New Mexico. Surveillance efforts conducted by law enforcement on November 17, November 18, November 28, and December 9, 2022, revealed that a large number of vehicles, many of which displayed fictitious license plates, were regularly coming and going from the residence. Based on my training and experience, this is a common occurrence that occurs at places that are housing illegal aliens.

12. On February 01, 2023, Roberto Vasquez-Prado was attempting to smuggle five illegal aliens north of Las Cruces, New Mexico. He was caught by law enforcement and gave the following statement. Vasquez-Prado stated that he had knowledge of a stash house that currently had an unknown number of illegal aliens. Vasquez-Prado stated that he was willing to

show Agent Melendez the location of the stash house. At approximately 0400 hours, Vasquez-Prado took agent Melendez to 4754 Calle de Nubes, in Las Cruces, New Mexico, 88012. Vasquez-Prado stated that he was certain that there were illegal aliens at 4754 Calle de Nubes, in Las Cruces, New Mexico, 88012.

13. On February 01, 2023, Border Patrol and Homeland Security Investigations attempted to conduct a knock-and-talk at 4754 Calle de Nubes to inquire about illegal aliens being housed at the residence. As agents approached the front door, they observed a permanent resident card laying on the ground next to the driveway. A closer inspection of the card revealed that it was fictitious, as it did not contain the proper security features utilized in legitimate resident cards.

14. When agents knocked on the front door, they observed a subject peek through the blinds of the windows next to the front door, but the occupants of the residence refused to answer the door.

15. Agents conducted record checks of two vehicles parked at the residence. The first vehicle, a silver Ford Fusion bearing Oklahoma license plate "LVY570," parked in the driveway, was found to have an active alert for possible human smuggling through Border Patrol. The other vehicle, a green Jeep bearing fictitious temporary license plate "1700S68," displayed a vehicle identification number that showed the vehicle was registered to Juan Gallegos.

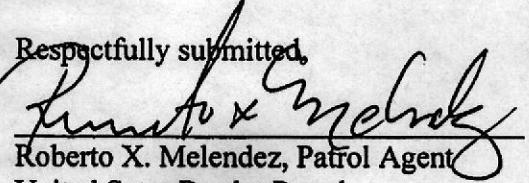
16. While investigating, agents learned from neighbors who resided nearby that vehicles bearing temporary license plates regularly arrive at 4754 Calle de Nubes and drop off multiple subjects. Based on my training and experience, it is common for places that serve as stash houses for illegal aliens often have vehicles with temporary tags coming and going.

#### **CONCLUSION**

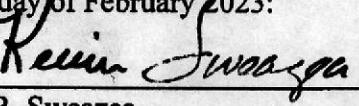
17. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that evidence, fruits and instrumentalities used in committing violations of 8 USC § 1324, transporting and harboring illegal aliens, and conspiracy to do the same, which are listed specifically in Attachment B, incorporated herein by reference, are presently located at the Premises.

18. Accordingly, I respectfully request that this Court issue a warrant authorizing a search of the Premises, which is described with particularity in Attachment A, for the items described in Attachment B.

Respectfully submitted,

  
\_\_\_\_\_  
Roberto X. Melendez, Patrol Agent  
United States Border Patrol

Subscribed and sworn before me by telephone  
this 1<sup>st</sup> day of February 2023:

  
\_\_\_\_\_  
Kevin R. Sweazea  
United States Magistrate Judge